

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:
HUI-JUNG WU, ET AL.

Docket: 30-4731 (4780) DIV-1

Serial Number: 09/841,453

Group Art Unit: 2829

Filed: April 24, 2001

Examiner: Asok K. Sarkar

For: USE OF MULTIFUNCTIONAL SI-BASED OLIGOMER/POLYMER FOR THE
SURFACE MODIFICATION OF NANOPOROUS SILICA FILMS

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#10/Response
9.25.02
C. Moore

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RESPONSE TO OFFICE ACTION

Commissioner for Patents
Washington, D.C. 20231

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Sir:

In response to the Office Action mailed June 20, 2002, please consider the following remarks.

REMARKS

The Examiner has subjected this application to restriction under 35 U.S.C. 121. The Examiner has formed two groups of claims, the Group I for claims 2-28 drawn to a dielectric film, and Group II for claim 29, drawn to a polymeric material. In a response filed on May 24, 2002, Applicants elected Group I for examination with traverse. The Examiner states in paragraph 1 of the Office Action that Applicants' election with traverse has been interpreted as an election without traverse because Applicant did not distinctly and specifically point out the errors in the restriction requirement. It is respectfully asserted that the Examiner is incorrect. Applicants traversal and their arguments supporting the restriction requirement can be found in the response filed on May 24, 2002. It is further respectfully submitted that while the Examiner does have the power to accept or reject arguments of traversal as persuasive or not persuasive, it is not within the power of the Examiner to reject such arguments as unresponsive and deem the